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ELIZABETH ALEXANDER

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ELIZABETH ALEXANDER,

Plaintiff,

v.

NATIONWIDE LIFE INSURANCE  
COMPANY, DOES 1 through 50,  
inclusive,

Defendant.

Case No. C-09-01677 CW

**STIPULATION AND ORDER  
EXTENDING TIME FOR EXPERT  
DISCOVERY AND DISCLOSURE OF  
F.R.C.P. 26(a)(2)(B) REPORT BY  
DEFENDANT'S REBUTTAL EXPERT  
WITNESS**

Assigned Judge: Hon. Claudia Wilken

Trial Date: January 10, 2011

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through  
their respective counsel, as follows:

1. The Court's August 17, 2009 Order established June 25, 2010, as the deadline  
for completion of expert witness discovery.

1                   2.       The trial in this matter is scheduled to begin on January 10, 2011.

2                   3.       Defendant Nationwide Life Insurance Company filed its Motion for Summary  
3 Judgment on June 17, 2010, which is scheduled to be heard by this Court on June 22, 2010.

4                   4.       In response to Plaintiff's April 20, 2010 discovery requests, Defendant  
5 provided Plaintiff with additional information regarding Plaintiff's compensation on May 20, 2010.

6                   5.       Pursuant to Federal Rule of Civil Procedure 26(a)(2)(C)(ii), the date upon  
7 which Defendant is required to disclose its rebuttal expert witness report is June 24, 2010.

8                   6.       Defendant's counsel, Theodora R. Lee, has a trial and scheduled business trips  
9 during the month of August 2010.

10                  7.       Because Defendant's motion for summary judgment requesting dismissal of  
11 Plaintiff's Complaint is scheduled to be heard on July 22, 2010, because Plaintiff desires additional  
12 time for her expert to examine the additional compensation records produced by Defendant in May  
13 2010, and because of Ms. Lee's August 2010 work schedule, the parties wish to extend the deadline  
14 for expert discovery until October 15, 2010.

15                  8.       Because Defendant has not yet had the opportunity to depose Plaintiff's expert  
16 witness, the parties agree that the deadline for service of the Rule 26(a)(2)(B) written report by  
17 Defendant's rebuttal expert should be extended to 10 days following the date upon which Defendant  
18 conducts the deposition of Plaintiff's expert witness.

19                  9.       No prior extension of time to disclose expert reports or extend expert  
20 discovery has been requested or granted.

21                  10.      The parties request that the deadline for expert discovery be extended until  
22 October 15, 2010.  
23  
24  
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11. The parties further request that the deadline for the service of the Rule 26(a)(2)(B) written report by Defendant's rebuttal expert be extended to 10 days following the date upon which Defendant conducts the deposition of Plaintiff's expert witness.

Dated: June 23, 2010

/s/ Theodora R. Lee

THEODORA R. LEE

LITTLER MENDELSON, P.C.

Attorneys for Defendant

NATIONWIDE LIFE INSURANCE COMPANY

Dated: June 23, 2010

/s/ Michael E. Adams

MICHAEL E. ADAMS

LAW OFFICES OF MICHAEL E. ADAMS

Attorneys for PLAINTIFF

ELIZABETH ALEXANDER

Filer's Attestation:

I, Theodora R. Lee, am the ECF user whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR EXPERT DISCOVERY AND DISCLOSURE OF F.R.C.P. 26(a)(2)(B) REPORT BY DEFENDANT'S REBUTTAL EXPERT WITNESS. In compliance with General Order 45.X.B, I hereby attest that Michael E. Adams concurs in this filing.

By: /s/ Theodora R. Lee

THEODORA R. LEE

**ORDER**

1. The deadline for completion of expert discovery is extended to October 15, 2010.

2. The deadline for the service of the Rule 26(a)(2)(B) written report by Defendant's rebuttal expert witness is extended to 10 days following the date upon which Defendant conducts the deposition of Plaintiff's expert witness.

**IT IS SO ORDERED.**

Dated this 24th day of June, 2010

  
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THE HONORABLE CLAUDIA WILKEN

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